IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO

Gerard J. Morelli	:	
	:	**Chapter 13**
	:	
	:	**Case No. 16-51527**
Debtors.	:	
	:	**Judge C. Kathryn Preston**
	:	
	:	

RESPONSE TO MOTION OF THE RETREAT AT GREEN PASTURES CONDOMINIUM ASSOCIATION FOR RELIEF FROM STAY(Property located at: 433 Robins Crest Lane, Marysville, Ohio 43040) FILED AT DOCUMENT NO. 54

Now Comes the Debtor by Counsel and objects to the granting of the Motion of the Retreat at Green Pastures Condominium Association for Relief from the Automatic Stay on property located at 433 Robins Crest Lane, Marysville, Ohio 43040 filed at Document no.54. The reasons for said response will be set forth in the following memorandum.

AMOURGIS & ASSOCIATES

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MEMORANDUM IN SUPPORT

The Retreat at Green Pastures has a wholly unsecured lien on the real estate known and identified as 433 Robins Crest Lane, Marysville, Ohio 43040. The appraised value of the real estate filed at Document no.15 lists the value of the property as $132,200.00 The Debtor owed at the time of filing of the Petition $140167.41. Therefore the Retreat at Green Pastures condo lien is wholly unsecured and treatment of this lien has been provided in the Chapter 13 Plan.

After the filing of the Chapter 13 Plan, the Debtor attempted to make payments on the ongoing condo fees to the Retreat at Green Pastures and they were "refused" by the Retreat at Green Pastures. Thereafter, Counsel was notified that payments were not being made and Debtor again commenced making payments on the condo fees and has made the September, October and November post petition payments on the condo fees and will continue to make said payments.

The original non payment of the post petition payments on the condo fees were caused by the refusal to accept payments by the Retreat at Green Pastures.

WHEREFORE, Defendant prays that Relief from Stay not be granted and that the post petition arrears on condo fees be resolved between the parties.

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Response was served on the following registered ECF participants, electronically through the court's ECF system ant the email address registered with the Court on November 15, 2016: to the Office of the U.S. Trustee, 170 N. High Street #200, Columbus, Ohio 43215, email: **ustpregion09.cb.ecf@usdoj.gov** and Frank M. Pees, Chapter 13 Trustee, 130 E. Wilson Bridge Road, Worthington, Ohio 43085, email trustee@ch13.org. and the following by ordinary US mail addressed to:

Kaman & Cusimano,LLC, Emily K. Zainey, Attorney for Movant, 470 Olde Worthington Road, Suite 460, Columbus, Ohio 43082

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